

03-20-00

CPA 



Practitioner's Docket No. 6099/002

GAU 2773

PATENT

#21

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re prior application of: Herz, Frederick; Eisner, Jason M.; Smith, Jonathan M.; Salzberg, Steven L.

Application No.: 08/551,198 Group No.: 2773

Filed: October 31, 1995 Examiner: Huynh-Ba

For: SYSTEM FOR CUSTOMIZED ELECTRONIC IDENTIFICATION OF DESIRABLE OBJECTS

Box CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

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CONTINUED PROSECUTION APPLICATION (CPA)
(37 C.F.R. 1.53(d))

1. This is a request for a filing of a continuation continued prosecution application under 37 C.F.R.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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37 C.F.R. 1.8(a)

37 C.F.R. 1.10*

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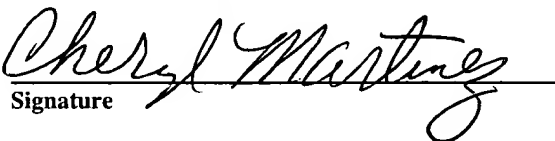
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Cheryl Martinez
(type or print name of person certifying)

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

1.53(d) of the above-identified prior nonprovisional application.

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings and oath or declaration from the prior application, to constitute this new application, and that the application number of the above identified prior application be assigned for identification purposes. 37 CFR 1.53(d)(2)(iv).

It is also requested that the above identified prior application be expressly abandoned as of the filing date accorded this continued prosecution application. 37 CFR 1.53(d)(2)(v).

2. With respect to the above identified prior nonprovisional application, this continued prosecution application is being filed before the termination of the proceedings on the prior application. 37 CFR 1.53(d)(1)(ii)(C).

The term for response or taking action in the prior application expires on March 24, 2000.

An extension of time in the prior application is filed concurrently in the prior application.

3. It is noted that:

- This application discloses and claims only subject matter disclosed in the prior application. 37 CFR 1.53(d)(2)(ii).
- Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122 to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 CFR 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 CFR 1.53(d)(6).
- Filing of this request is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number identified in this request and that no amendment in this application may delete this specific reference to any prior application. 37 CFR 1.53(d)(7) and 1.78(a)(2).

4. This continued prosecution application names as inventors, the same inventors named in the prior application on the date this continued prosecution application under 37 CFR 1.53(d)(2)(iii) is being filed.

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5. **Fee Calculation**

Regular Application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$690.00
Total Claims (37 CFR 1.16(c))	34	- 20 =	14 x	\$18.00	\$252.00
Independent Claims (37 CFR 1.16(b))	2	- 3 =	0 x	\$78.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$260.00	\$0.00

Filing Fee Calculation

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\$942.00

6. **Small Entity Statement**

Status as a small entity was claimed in prior application 08/551,198 filed on October 31, 1995, from which benefit is being claimed for this application under 35 U.S.C. § 120, and which status as a small entity is still proper and desired.

Filing Fee Calculation (50% of above)

\$471.00

7. **Fee Payment Being Made at This Time**

Enclosed

Filing Fee

\$471.00

Total Fees Enclosed

\$471.00

8. Method of Payment of Fees

Attached is check in the amount of \$471.00.



9.

Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 04-1697:

37 C.F.R. 1.16(a), (f) or (g) (filing fees)

37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

37 C.F.R. 1.17 (application processing fees)

10. Instructions as to Overpayment

Credit Account No. 04-1697

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SIGNATURE OF PRACTITIONER

Reg. No. 28,300
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